

Senator Houston moved that a committee be appointed in accordance with the request of the governor.

Carried, and the president appointed Senators Houston, Lane and Blassingame as said committee.

In obedience to the resolution passed this morning, the president, at 12:30 o'clock P. M., declared the Senate adjourned until 9 o'clock tomorrow morning.

### TWENTY-THIRD DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, July 5, 1879. }

Senate met pursuant to adjournment; president in the chair. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Martin, the reading of the journals of yesterday was dispensed with and the same adopted.

Senator Duncan was appointed by the president on the joint committee on the part of the Senate to investigate land frauds, in place of Senator Lane, resigned.

Senator Stewart, chairman of judiciary committee No. 2, submitted the following report:

COMMITTEE ROOM, AUSTIN, July 5, 1879.

*Hon. J. D. Sayers, President of the Senate:*

Your judiciary committee No. 2 have considered Senate bill No. 89, entitled "An act to amend the charter of the city of Dallas," and I am instructed by said committee to report said bill back to the Senate and to recommend its passage.

STEWART, *Chairman.*

Bill read first time.

Senator Houston, chairman of the committee on state affairs, submitted the following report:

COMMITTEE ROOM, AUSTIN, July 5, 1879.

*Hon. J. D. Sayers, President of the Senate:*

Your committee on state affairs have considered Senate joint resolution No. 87, "Joint resolution repealing joint resolution No. 19," approved April 26, 1879, and I am instructed by a majority of your committee to report the same back to the Senate, with the recommendation that it do pass.

HOUSTON, *Chairman.*

Resolution read first time.

Senator Brown, chairman of committee on engrossed bills, submitted the following report:

COMMITTEE ROOM, AUSTIN, July 2, 1879.

*Hon. J. D. Sayers, President of the Senate:*

Your committee on engrossed bills have examined and find correctly engrossed Senate bill No. 22, entitled "An act to amend article 3696 of 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed during the first session of the Sixteenth Legislature."

BROWN, *Chairman.*

Senator Guy moved to suspend the rules and take up Senate bill No. 89, entitled "An act to amend the charter of the city of Dallas."

Carried by the following vote;

## YEAS.

Blassingame,	Hobby	McCulloch,	Shannon,
Brown,	Houston,	Moore,	Stewart,
Burnett,	Lair,	Motley,	Storey,
Ford,	Lane,	Patton,	Street.
Gooch,	Ledbetter,	Ripetoe,	Terrell--22.
Guy,	Martin,		

## NAYS--none.

Not voting--Buchanan, Burton, Davenport, Duncan, Edwards, Grace, Swain, Tilson.

Bill read second time and ordered engrossed.

On motion of Senator Guy, the rules were suspended and bill placed on its third reading by the following vote:

## YEAS.

Blassingame,	Guy,	Martin,	Shannon,
Brown,	Hobby,	McCulloch,	Stewart,
Burnett,	Houston,	Moore,	Storey,
Burton,	Lair,	Motley,	Street,
Duncan,	Lane,	Patton,	Swain.
Gooch,	Ledbetter,	Ripetoe,	Terrell--24.

## NAYS--none.

Not voting--Buchanan, Davenport, Edwards, Ford, Grace, Tilson.

Bill read third time and passed by the following vote:

## YEAS.

Blassingame,	Guy,	McCulloch,	Stewart,
Brown,	Houston,	Moore,	Storey,
Burnett,	Lair,	Motley,	Street,
Burton,	Lane,	Patton,	Swain,
Duncan,	Ledbetter,	Ripetoe,	Terrell--23.
Gooch,	Martin,	Shannon,	

## NAYS--none.

Not voting--Buchanan, Davenport, Edwards, Ford, Grace, Hobby, Tilson.

On motion of Senator Gooch, Senate bill No. 67, entitled "An act to amend chapter 3, title 15 of the Code of Criminal Procedure of the State of Texas," passed at the present regular session of the Sixteenth Legislature, in the year 1879, by creating articles 1075 and 1076 thereof, relating to costs paid by counties," was taken up, read second time and ordered engrossed.

On motion of Senator Gooch, the rules were suspended and bill placed on its third reading by the following vote:

## YEAS.

Blassingame,	Duncan,	Lane,	Stewart,
Brown,	Gooch,	Ledbetter,	Storey,
Buchanan,	Guy,	Moore,	Street.
Burnett,	Hobby,	Motley,	Swain,
Burton,	Houston,	Ripetoe,	Terrell,
Davenport,	Lair,	Shannon,	Tilson--24.

## NAYS--none.

Not voting--Edwards, Ford, Grace, Martin, McCulloch, Patton.

Bill read third time and passed by the following vote:

## YEAS.

Blassingame,	Burnett,	Ford,	Hobby,
Brown,	Burton,	Gooch,	Lair,
Buchanan,	Davenport,	Guy,	Lane,

Ledbetter,  
Martin,  
McCulloch,  
Moore,

Motley,  
Patton,  
Ripetoe,  
Shannon,

Stewart,  
Storey,  
Street,

Swain,  
Terrell,  
Tilson—26.

NAYS.

Duncan,

Houston—2.

Not voting—Edwards, Grace.

On motion of Senator Davenport, W. A. Fields, Esq., assistant secretary of the Senate, was excused until Monday morning next.

A message was received from the House, announcing the passage of the following bills, to wit:

House substitute for Senate substitute for Senate bill No. 37, entitled "An act to reorganize the tenth judicial district of this state, to fix the times of holding the terms of the district courts therein, and attaching certain counties to the county of Wheeler, for judicial purposes and for purposes of organization;"

House bill No. 43, entitled "An act to amend article 3785, chapter 3, title 78 of the Revised Civil Statutes," passed at the regular session of the Sixteenth Legislature;

House bill No. 48, entitled "An act to repeal 'an act to provide for the record of contracts relating to land in a manner that will distinguish community from separate property,' approved April 21, 1879."

House bill No. 69, entitled "An act amending article 451, chapter 7 of title 17 of the Revised Civil Statutes, adopted at the regular session of the Sixteenth Legislature and passed February 19, 1879;"

House bill No. 73, entitled "An act defining the manner in which lands sold at tax sales to individuals may be redeemed by the owner;"

And that the House concurs in Senate amendments to House bill No. 36, "An act to change the form of certain securities therein named;"

Also, Senate amendments to House bill No. 42, "An act to validate the title to land reserved from location or patent at the time titles issued thereto;"

Also, Senate amendments to House bill No. 27, "An act to diminish the civil and criminal jurisdiction of the county courts of Upshur, Erath, Comanche, Eastland, Palo Pinto, Stephens, Shackelford, Throckmorton, Taylor, Callahan and Panola counties, and conform the jurisdiction of the district courts of said counties to such change, except that which strikes out Upshur county."

The bills just received from the House were taken up and referred as follows:

House bill No. 73, to committee on finance;

House bill No. 69, to committee on finance;

House bill No. 48 and House bill No. 43, to judiciary committee No. 2.

Senators Duncan, Lair and Davenport were appointed a committee of conference on the part of the Senate on the differences of the two houses on Senate bill No. 27, "Diminishing the civil and criminal jurisdiction of the county courts of sundry counties in the state."

The president, after publicly reading their captions, signed the following bills, to wit:

House bill No. 42, entitled "An act to validate the titles to land reserved from location or patent at the time titles issued thereto;"

House bill No. 46, entitled "An act to amend article 3888, chapter 5, title 79 of the Revised Civil Statutes;"

House bill No. 36, entitled "An act to change the form of certain securities therein named;"

Substitute for House bill No. 71, entitled "An act amending article 896, chapter 1, title 11 of the Code of Criminal Procedure," approved April 24, 1879;

Senate bill No. 6, entitled "An act prescribing the times of holding the district courts in the several counties composing the twenty-second judicial district;" and Senate bill No. 45, entitled "An act to amend section 2 of an act entitled 'an act to provide for printing, binding and distribution of the Revised Civil Statutes, Penal Code and Code of Criminal Procedure,'" approved April 26, 1879.

The special order being Senate bill No. 82, entitled "An act to provide for the sale of the public domain, and to apply the proceeds of such sale to the public school fund and to the payment of the public debt," was taken up.

(Senator Burnett in the chair.)

Senator Duncan offered the following amendment :

Line nineteen, page 4, instead of "pasture lands" insert "lands valuable for pasturing only."

Adopted.

Senator Terrell offered the following amendment :

Add to section 1, in line four, after the word "sale," "and not included in reservations already made."

Adopted.

Senator Davenport offered the following :

"Strike out section 17."

Adopted.

Senator Lane offered the following :

Amend section 3, by adding after the word "mill," the words "to be paid out of the proceeds of the first sales of the lands under the provisions of this act."

Adopted.

Senator Duncan offered the following:

In place of "seventy-five cents," in line eighteen, page 4, insert "one dollar."

Withdrawn.

A message was received from the House announcing the passage by that body of substitute for Senate bill No. 59, entitled "An act to exempt from taxation horse racing when run over four hundred and forty yards;"

That Senate bill No. 34, entitled "An act to require the owner of surveys of land to pay the patent fee therefor before filing the field notes of the same in the general land office," was indefinitely postponed; and

That the House concurs in Senate amendments to House bill No. 74, entitled "An act to amend article 4652, chapter 5 of title 93 of the Revised Civil Statutes."

Senator Lair offered the following amendment to the pending bill:

Amend by adding section 17 as follows: "That the sum of \$10,000, or so much thereof as may be necessary, is hereby appropriated out of the proceeds of the first sales of the lands for the purpose of carrying out the provisions of this act."

Adopted.

Senator Patton offered the following amendment:

On page 3, in lines six and seven, strike out "the state to furnish all assistants and chain carriers and defray all expenses," and insert "also furnish all assistants and chain carriers and defray all expenses."

Adopted.

Senator Terrell offered the following:

Page 4, line eighteen, insert "one dollar" for "seventy-five cents," and in line nineteen, page 4, insert "fifty cents" for "thirty-three cents."

Senator Storey called for a division of the question.

Senator Gooch offered the following as a substitute for the pending amendments:

Strike out all in lines eighteen and nineteen, in section 10, and insert "said sales to be made for not less than fifty cents per acre."

Adopted and the substitute adopted as an amendment to the pending bill.

Senator Houston offered a substitute for the pending bill and all the amendments to the same.

Senator Brown, chairman of the committee on engrossed bills, submitted the following report:

COMMITTEE ROOM, AUSTIN, July 5, 1879.

*Hon. J. D. Sayers, President of the Senate:*

Your committee on engrossed bills have carefully read and compared Senate bill No. 67, "An act to amend chapter 3, title 15 of the Code of Criminal Procedure of the State of Texas, passed at the first session of the Sixteenth Legislature in the year 1879, by creating articles 1075 and 1076 thereof, relating to costs paid by counties," and find the same correctly engrossed.

BROWN, *Chairman.*

Senator Patton offered the following amendment to the pending bill: In line seven, page 4, strike out "and fifty."

Lost.

Senator Brown, chairman of committee on engrossed bills, submitted the following report:

COMMITTEE ROOM, AUSTIN, July 5, 1879.

*Hon. J. D. Sayers, President of the Senate:*

Your committee on engrossed bills have examined and find correctly engrossed Senate joint resolution No. 86, "Authorizing the comptroller of the state to pay out certain moneys in his hands."

BROWN, *Chairman.*

Senator Swain, from conference committee, submitted the following report:

COMMITTEE ROOM, AUSTIN, July 5, 1879.

*Hon. J. D. Sayers, President of the Senate, and Hon. John H. Cochran, Speaker of the House of Representatives:*

Your committee of conference on the matter of difference between the House and Senate on House bill No. 6, "An act to amend 'an act to authorize the governor, attorney general and superintendent of the penitentiary to contract for conveying convicts from the places where sentenced to the penitentiary,' approved April 22, 1879," have considered the same, and a majority of your committee instruct us to report the

same back with the recommendation that the Senate recede from its amendment.

McCOMB,  
STEWART, of Delta,  
FISHER,  
of the House.  
SWAIN,  
of the Senate.

Senator Houston made the point of order that it is not a report of conference as it is not signed by a majority of the committee from each house, only one of the Senate committee signing said report.

Point of order sustained.

Senator Houston moved to appoint a committee of free conference on the disagreement of the two houses on said bill.

Senator Patton made the point of order that there was no report from the conference committee, and a committee of free conference could not therefore be appointed.

Point of order sustained.

Senator Houston then withdrew his motion.

Senator Houston offered the following amendment to the substitute for the pending bill:

Add further proviso to section 1: "*Provided further*, that the said public domain shall remain subject to location by valid outstanding head-right and bounty certificates heretofore issued."

Adopted.

Senator Edwards made the point of order that the caption and subject matter of the substitute were not germane to the original bill.

Withdrawn.

Senator Lair moved the previous question on the pending substitute and engrossment of the bill.

Motion seconded and main question ordered.

The substitute was lost by the following vote:

YEAS.			
Davenport, Grace,	Guy, Houston,	Shannon,	Terrell—6.
NAYS.			
Blassingame, Brown, Buchanan, Burnett, Burton, Duncan,	Edwards, Ford, Gooch, Hobby, Lair, Lane,	Ledbetter, Martin, McCulloch, Moore, Motley,	Patton, Stewart, Storey, Street, Swain—22.

Not voting—Ripetoe, Tilson.

Bill ordered engrossed.

On motion, the rule was suspended to place the bill on its third reading by the following vote:

YEAS.			
Blassingame, Brown, Buchanan, Burnett, Burton, Davenport, Duncan,	Edwards, Ford, Gooch, Guy, Hobby, Lair, Lane,	Ledbetter, Martin, McCulloch, Moore, Motley, Patton, Shannon,	Stewart, Storey, Street, Swain, Terrell, Tilson—27.
NAYS—Grace.			

Not voting—Houston, Ripetoe.

The bill was then read third time.

Senator Davenport offered the following amendment:

In section 5 strike out all after the word "surveyors" in line sixteen.

Adopted by the following vote:

YEAS.			
Blassingame,	Ford,	Lane,	Ripetoe,
Brown,	Gooch,	Ledbetter,	Stewart,
Buchanan,	Grace,	Martin,	Storey,
Burnett,	Guy,	McCulloch,	Street,
Burton,	Hobby,	Moore,	Terrell—23.
Davenport,	Houston,	Motley,	

NAYS.		
Duncan,	Edwards,	Lair—3.
Not voting—Patton, Shannon, Swain, Tilson.		

The president appointed Senator Gooch in place of Senator Duncan on the conference committee on the part of the Senate on Senate bill No. 27, "To reduce the civil and criminal jurisdiction of the county courts of certain counties in the state."

Senator Gooch offered the following amendment to the pending bill:  
"Strike out section 13."

Adopted by the following vote:

YEAS.			
Blassingame,	Edwards,	Lane,	Shannon,
Brown,	Ford,	Martin,	Stewart,
Buchanan,	Gooch,	Moore,	Storey,
Burnett,	Hobby,	Motley,	Street,
Burton,	Houston,	Patton,	Terrell—21.
Davenport,			

NAYS.		
Duncan,	Lair,	McCulloch.
Grace,		Swain—5.
Not voting—Guy, Ledbetter, Ripetoe, Tilson.		

Senator Terrell offered the following amendment:

Insert in line six, section 15, after the word "is," the words "over and above the amount necessary to defray accruing expenses of carrying out this act."

Adopted by the following vote:

YEAS.			
Brown,	Ford,	Ledbetter,	Shannon,
Buchanan,	Gooch,	Martin,	Stewart,
Burnett,	Grace,	McCulloch,	Storey,
Burton,	Hobby,	Moore,	Street,
Davenport,	Lair,	Motley,	Terrell—23.
Duncan,	Lane,	Patton,	

NAYS—none.

Not voting—Blassingame, Edwards, Guy, Houston, Ripetoe, Swain, Tilson.

The bill was then passed by the following vote:

YEAS.			
Blassingame,	Gooch,	Martin,	Shannon,
Brown,	Hobby,	Moore,	Storey,
Burnett,	Lair,	Motley,	Street,
Edwards,	Lane,	Patton,	Terrell—18.
Ford,	Ledbetter,		

## NAYS.

Buchanan,  
Burton,  
Davenport,

Duncan,  
Grace,  
Guy,

Houston,  
McCulloch,

Stewart,  
Swain—10.

Not voting—Ripetoe, Tilson.

A message was received from the House announcing the passage by that body of substitute for House bill No. 66, entitled "An act to amend the first section of 'an act prescribing the times of holding the district courts of the second judicial district.'"

The bill was ordered to lie on the table.

The following message was received from his excellency the governor.

EXECUTIVE OFFICE, STATE OF TEXAS, }  
AUSTIN, July 5, 1879. }

*To the honorable Senate and House of Representatives, in the Legislature assembled:*

GENTLEMEN—I respectfully suggest the propriety of the passage of a law authorizing the purchase for the state out of the appropriation to the East Texas Penitentiary some land adjoining the small tract on which it is situated, as it is only eleven acres and is entirely surrounded by other people's land that can be purchased at a reasonable price.

Respectfully, O. M. ROBERTS, *Governor.*

Referred to committee on penitentiaries.

Senator Storey, chairman of the committee on finance (by leave), submitted the following reports:

COMMITTEE ROOM, AUSTIN, July 5, 1879.

*Hon. J. D. Sayers, President of the Senate:*

Your committee on finance, to whom was referred the resolution of the Senate requiring the finance committee to inquire into the necessity of making an appropriation to pay the interest on the four per cent. interest-bearing debt of the state, have had the same under consideration, and, in pursuance thereof, I am instructed by the committee to report to the Senate the accompanying bill, entitled "An act to make an appropriation to pay interest on the interest-bearing warrants of the state," and to recommend its passage.

STOREY, *Chairman.*

Bill read first time.

COMMITTEE ROOM, AUSTIN, July 5, 1879.

*Hon. J. D. Sayers, President of the Senate:*

Your committee on finance, to whom was referred the resolution of the Senate to retain the sergeant-at-arms in office thirty days after the adjournment of the extra session of the Legislature, and defining and requiring what his duties shall be, have duly considered the same and I am instructed by the committee to report the resolution back to the Senate with the recommendation that it be adopted.

STOREY, *Chairman.*

Senator Houston, from conference committee on House bill No. 6, submitted the following report:

*Hon. J. D. Sayers, President of the Senate, and Hon. John H. Cochran, Speaker of the House of Representatives:*

Your conference committee, to whom was referred the disagreement of the two houses on House bill No. 6, "An act to amend 'an act to authorize



the governor, attorney general and superintendent of the penitentiary to contract for conveying convicts from the places where sentenced to the penitentiary,' approved April 22, 1879," have to report that your committee have failed to agree, and, therefore, recommend the appointment of a committee of free conference.

HOUSTON,  
LEDBETTER,  
SWAIN,  
*Senate Committee.*  
McCOMB,  
STEWART of Delta,  
FISHER,  
*House Committee.*

Report adopted.

Senators Motley, Brown and Duncan were appointed as said committee of free conference on the part of the Senate.

The resolution, just reported from the committee on finance with regard to retaining the sergeant-at-arms for thirty days after adjournment, was taken up.

Senator Burnett offered the following amendment:

Strike out "30 days" and insert "5 days."

Laid on the table by the following vote:

YEAS.			
Buchanan,	Guy,	Ledbetter.	Street.
Davenport,	Hobby,	Patton,	Swain,
Duncan,	Houston,	Ripetoe,	Terrell—15.
Ford,	Lair,	Storey,	
NAYS.			
Blossingame,	Edwards,	Lane,	Motley,
Brown,	Gooch.	McCulloch.	Shannon,
Burnett,	Grace,	Moore,	Stewart—13.
Burton,			

Not voting—Martin, Tilson.

Senator Gooch offered the following amendment:

Strike out "30 days" and insert "3 days."

Senator Duncan moved the previous question; seconded, and Senate refused to order the main question by the following vote:

YEAS.			
Buchanan,	Hobby,	McCulloch,	Street,
Davenport,	Lair,	Patton,	Terrell—11.
Duncan,	Ledbetter,	Storey,	
NAYS.			
Blossingame.	Edwards,	Houston,	Motley,
Brown,	Gooch,	Lane,	Ripetoe,
Burnett,	Grace,	Martin,	Shannon,
Burton,	Guy,	Moore,	Stewart—16.

Not voting—Ford, Swain, Tilson.

Senator Ledbetter offered the following amendment, which was accepted by Senator Gooch and his withdrawn:

Strike out "thirty days" and insert "fifteen days."

Lost by the following vote:

YEAS.			
Blossingame.	Houston,	Martin,	Ripetoe,
Edwards,	Ledbetter,	Motley,	Shannon—9.
Gooch,			

## NAYS.

Brown,	Duncan,	Lair,	Stewart,
Buchanan,	Ford,	Lane,	Storey,
Burnett,	Grace,	McCulloch,	Street,
Burton,	Guy,	Moore,	Terrell—19.
Davenport,	Hobby,	Patton,	

Not voting—Swain, Tilson.

Senator Grace offered the following amendment :

Strike out "thirty days" and insert "ten days."

Senator Motley offered the following as a substitute for the whole of the pending amendments :

Strike out "sergeant-at-arms" and insert the "calendar clerk."

Senator Duncan moved the previous question on the whole matter (all in sight).

Motion seconded and main question ordered.

The resolution of Senator Grace was lost by the following vote :

## YEAS.

Blossingame,	Edwards.	Martin.	Ripetoe,
Brown,	Gooch.	Moore.	Shannon,
Burnett.	Grace.	Motley.	Stewart--12.

## NAYS.

Buchanan,	Guy.	Lane,	Storey,
Davenport,	Hobby,	Ledbetter,	Street,
Duncan,	Houston.	McCulloch,	Swain,
Ford,	Lair,	Patton.	Terrell—16.

Not voting—Burton, Tilson.

The substitute of Senator Motley was lost.

The pending resolution to continue the sergeant-at-arms in office for thirty days after the adjournment, was adopted by the following vote :

## YEAS.

Buchanan,	Gooch,	Lane,	Storey,
Burton,	Guy,	Ledbetter,	Street,
Davenport.	Hobby,	McCulloch,	Swain,
Duncan,	Houston.	Patton,	Terrell—18.
Ford,	Lair,		

## NAYS.

Blossingame,	Edwards.	Moore.	Shannon,
Brown,	Grace,	Motley,	Stewart—11.
Burnett,	Martin.	Ripetoe,	

Not voting—Tilson.

Senator Gooch presented the following as his vote to be entered on the journals:

"I vote 'aye' on this resolution to retain for thirty days and to pay the assistant sergeant-at-arms \$150 after the adjournment of the Legislature that I may be in a condition to move a reconsideration of the vote adopting the resolution. GOOCH."

Senator Terrell offered the following resolution:

*Resolved*, That in accordance with the request of the governor, transmitted by special message, a committee of three be appointed to inspect the work done in and upon the executive mansion and grounds, and report upon the manner in which the money spent has been appropriated under the direction of the governor.

Withdrawn.

Senator Grace, chairman of committee on enrolled bills, made the following report:

COMMITTEE ROOM, AUSTIN, July 5, 1879.

*Hon. J. D. Sayers, President of the Senate:*

Your committee on enrolled bills have examined and carefully compared Senate bill No. 45, "An act to amend section 2 of an act entitled 'an act to provide for the printing, binding and distribution of the Revised Civil Statutes, Penal Code and Code of Criminal Procedure,' approved April 26, 1879;" also, Senate bill No. 6, "An act prescribing the times of holding the district courts in the several counties composing the twenty-second judicial district," and find the same correctly enrolled and properly signed, and have this day presented both bills to the governor for his signature, at 9:55 o'clock A. M.

GRACE, *Chairman.*

A message was received from the House announcing that that body had adopted the report of the conference committee on the disagreements of the two houses arising from Senate amendments to House bill No. 6, and that Messrs. McComb, Stewart, of Delta, and Fisher have been appointed a committee of free conference on the part of the House to meet a like committee on the part of the Senate.

Senator Swain introduced a bill entitled "An act to authorize the governor, comptroller and attorney general of the state to purchase additional lands for the use of penitentiaries."

Referred to committee on penitentiaries.

Senator McCulloch introduced the following resolutions:

WHEREAS, Many important measures are still pending undisposed of in the two houses; and,

Whereas, the constitution fixes the ninth day of July as the time of adjournment of the Sixteenth Legislature in extra session; therefore, be it

*Resolved by the Senate,* That a committee of three be appointed to confer with a like committee of the House, whose duty it shall be to make out and report to the two houses a list of the acts before the Legislature, and other items submitted by the governor, and absolutely necessary to be carried before the adjournment of this extra session of the Legislature, with a view to obviate the necessity of another called session by the governor.

*Resolved,* That said committee report the same to the Senate at as early an hour as practicable.

Lies over under the rule.

Senator Hobby entered a motion to reconsider the vote adopting the resolution retaining the sergeant-at-arms thirty days after adjournment.

Senator Duncan moved to lay the motion on the table.

On motion of Senator Burnett, the Senate adjourned until 5 o'clock P. M., by the following vote:

YEAS.

Blassingame,	Ford,	Ledbetter,	Shannon,
Brown,	Gooch,	Martin,	Stewart,
Burnett,	Grace,	Moore,	Swain,
Burton,	Houston,	Motley,	Terrell—19.
Edwards,	Lane,	Ripetoe,	

NAYS.

Buchanan,	Guy,	McCulloch,	Storey,
Davenport,	Hobby,	Patton,	Street—10.
Duncan,	Lair,		

Not voting—Tilson.

## AFTERNOON SESSION.

Senate met pursuant to adjournment; president in the chair. Roll called; quorum present.

Senator Edwards, chairman of committee on insurance, statistics and history (by leave), submitted the following report:

COMMITTEE ROOM, AUSTIN, July 5, 1879.

*Hon. J. D. Sayers, President of the Senate:*

Your committee on insurance, statistics and history, to whom was referred Senate bill No. 88, "An act to define who are agents of insurance companies, and to fix their liability for acting without authority of law," have considered the same, and I am instructed to report it back to the Senate with the following amendment, and to ask its passage as amended.

EDWARDS, *Chairman.*

Amendment:

Add to section 1 the words: "*Provided further*, that the provisions of this act shall not apply to practicing attorneys-at-law in the State of Texas acting in the regular transaction of their business as such attorneys-at-law, and who are not local agents, nor acting as adjusters for any insurance companies."

Adopted.

Bill read first time.

Senator Storey, chairman of finance committee (by leave), submitted the following reports:

COMMITTEE ROOM, AUSTIN, July 5, 1879.

*Hon. J. D. Sayers, President of the Senate:*

Your committee on finance, to whom was referred House bill No. 69, entitled "An act amending article 451, chapter 7 of title 17 of the Revised Civil Statutes, adopted at the regular session of the Sixteenth Legislature and passed February 19, 1879," have carefully considered the same, and I am instructed by the committee to report the bill back to the Senate with the recommendation that it do not pass.

STOREY, *Chairman.*

Bill read first time.

COMMITTEE ROOM, AUSTIN, July 5, 1879.

*Hon. J. D. Sayers, President of the Senate:*

Your committee on finance, to whom was referred House bill No. 73 entitled "An act defining the manner in which lands sold at tax sales to individuals may be redeemed by the owner," have carefully considered the same, and I am instructed by the committee to report the bill back to the Senate with the recommendation that it do not pass.

STORZY, *Chairman.*

Bill read first time.

Senator Brown, chairman of committee on engrossed bills, submitted the following report:

COMMITTEE ROOM, AUSTIN, July 5, 1879.

*Hon. J. D. Sayers, President of the Senate:*

Your committee on engrossed bills herewith report correctly engrossed Senate bill No. 89, entitled "An act to amend the charter of the city of Dallas."

BROWN, *Chairman.*

Senator Patton, chairman committee on stock and stockraising (by leave), submitted the following report:

COMMITTEE ROOM, AUSTIN, July 5, 1879.

*Hon. J. D. Sayers, President of the Senate:*

Your committee on stock and stockraising have had under consideration House bill No. 29, "An act amendatory of an act to amend section 46, of an act to encourage stockraising and for the protection of stockraisers, approved August 23, 1876, approved April 22, 1879," and a majority instruct me to report the same back with the recommendation that it do not pass.

PATTON, *Chairman.*

On motion of Senator Shannon, the special order for this hour was postponed and House substitute for Senate bill No. 37, was taken up, being "An act to reorganize the tenth judicial district of this state, to fix the times of holding the terms of the district courts therein, and attaching certain counties to the county of Wheeler for judicial purposes and for purposes of organization."

Read first time.

Senator Shannon moved a suspension of the rule to put the bill on its second reading.

Carried by the following vote:

YEAS.

Blassingame,	Ford,	Lane,	Shannon,
Brown,	Grace,	Martin,	Stewart,
Buchanan,	Guy,	McCulloch,	Storey,
Burnett,	Hobby,	Moore,	Street,
Burton,	Houston,	Patton,	Swain—21.
Edwards,			

NAYS—none.

Not voting—Davenport, Duncan, Gooch, Lair, Ledbetter, Motley, Ripetoe, Terrell.

Bill read second time and passed to a third reading.

On motion of Senator Shannon, the rules were suspended to place the bill on its third reading by the following vote:

YEAS.

Blassingame,	Ford,	Ledbetter,	Shannon,
Brown,	Gooch,	Martin,	Stewart,
Buchanan,	Grace,	McCulloch,	Storey,
Burnett,	Guy,	Moore,	Street,
Burton,	Hobby,	Patton,	Swain—21.
Edwards,			

NAYS—none.

Not voting—Davenport, Duncan, Houston, Lane, Lair, Motley, Ripetoe, Terrell.

Bill read third time and passed.

Senator Street moved to postpone the special order and take up substitute for Senate bill No. 88, entitled "An act to define who are agents of insurance companies and to fix their liabilities for acting without authority of law."

Carried.

Bill taken up and rules suspended to place the bill on its second reading by the following vote:

## YEAS.

Blassingame,	Grace,	Ledbetter,	Shannon,
Brown,	Guy,	Martin,	Stewart,
Burnett,	Hobby,	McCulloch,	Storey,
Burton,	Lair,	Moore,	Street,
Ford,	Lane,	Patton,	Swain—21.
Gooch,			

## NAYS—none.

Not voting—Buchanan, Davenport, Duncan, Edwards, Houston, Motley, Ripetoe, Terrell.

Bill read second time and ordered engrossed.

The rules were suspended and bill placed on its third reading by the following vote:

## YEAS.

Blassingame,	Ford,	Lair,	Patton,
Brown,	Gooch,	Lane,	Ripetoe,
Buchanan,	Grace,	Ledbetter,	Shannon,
Burnett,	Guy,	Martin,	Stewart,
Burton,	Hobby,	McCulloch,	Storey,
Davenport,	Homan,	Moore,	Street,
Edwards,	Houston,	Motley,	Swain—28.

## NAYS—none.

Not voting—Duncan, Terrell.

Bill read third time and passed by the following vote:

## YEAS.

Blassingame,	Gooch,	Lane,	Ripetoe,
Brown,	Grace,	Ledbetter,	Shannon,
Buchanan,	Guy,	McCulloch,	Stewart,
Burnett,	Hobby,	Moore,	Storey,
Burton,	Homan,	Motley,	Street,
Davenport,	Houston,	Patton,	Swain—26.
Ford,	Lair,		

## NAYS—none.

Not voting—Duncan, Edwards, Martin, Terrell.

Senator Motley moved to suspend the rules, postpone the special order and take up substitute for House bill No. 66, entitled "An act to amend the first section of 'an act prescribing the times of holding the district courts of the second judicial district.'"

Carried and bill read first time.

On motion of Senator Motley, the rules were suspended and bill placed on its second reading by the following vote:

## YEAS.

Blassingame,	Grace,	Ledbetter,	Shannon,
Brown,	Guy,	Martin,	Stewart,
Burnett,	Hobby,	McCulloch,	Storey,
Davenport,	Homan,	Moore,	Street,
Duncan,	Houston,	Motley,	Swain,
Ford,	Lair,	Patton,	Terrell—27.
Gooch,	Lane,	Ripetoe,	

## NAYS—none.

Not voting—Buchanan, Burton, Edwards.

Bill read second time and passed to a third reading.

On motion of Senator Motley, the rules were suspended and bill placed on its third reading by the following vote:

## YEAS.

Blassingame.	Gooch,	Lane,	Ripetoe,
Brown,	Grace,	Ledbetter,	Shannon,
Buchanan.	Guy,	Martin,	Stewart.
Burnett.	Hobby.	McCulloch.	Storey,
Burton,	Homan.	Moore.	Street,
Davenport.	Houston.	Motley.	Swain—27.
Ford,	Lair,	Patton.	

## NAYS—none.

Not voting—Duncan, Edwards.

Bill read third time and passed by the following vote:

## YEAS.

Blassingame.	Ford.	Lair,	Patton,
Brown,	Gooch.	Lane,	Ripetoe.
Buchanan,	Grace,	Ledbetter.	Shannon.
Burnett.	Guy,	Martin,	Stewart,
Burton,	Hobby.	McCulloch.	Storey,
Davenport,	Homan,	Moore,	Street,
Edwards,	Houston,	Motley,	Swain—28.

## NAYS—none.

Not voting—Duncan, Terrell.

The special order being Senate bill No. 81, entitled "An act supplemental to an act entitled 'an act to make an appropriation for the support of the state government for the years beginning March 1, 1879, and ending February 28, 1881,' approved April 24, 1879," was taken up.

Senator Street offered the following amendment:

Amend by adding section 2, to read: "Section 2. Salaries of commissioners of appeals, beginning August 31, 1879, to August 31, 1880, \$10,650; to February 28, 1881, \$5,325."

(Senator Houston in the chair.)

Adopted, and bill ordered engrossed.

Senator Street moved to suspend the rules and place the bill on its third reading.

Carried by the following vote:

## YEAS.

Blassingame.	Ford,	Ledbetter,	Ripetoe,
Brown,	Guy,	Martin.	Shannon,
Buchanan,	Hobby,	McCulloch,	Stewart,
Burnett,	Homan,	Moore,	Storey,
Burton,	Houston,	Motley,	Street,
Davenport,	Lair,	Patton,	Swain—26.
Edwards,	Lane,		

## NAYS—none.

Not voting—Duncan, Gooch, Grace, Terrell.

Bill read third time and lost by the following vote:

## YEAS.

Edwards,	McCulloch,	Storey,	Swain,
Ledbetter,	Moore,	Street,	Terrell—9.
Martin,			

## NAYS.

Blassingame,	Ford,	Houston,	Ripetoe,
Burton,	Grace,	Lair,	Shannon,
Davenport,	Homan,	Patton,	Stewart—13.
Duncan,			

Not voting—Brown, Buchanan, Burnett, Gooch, Guy, Hobby, Lane, Motley.

Senator Duncan moved to reconsider the vote just taken, and Senator Stewart moved to lay this motion on the table.

Senator Edwards moved a call of the Senate.

Call sustained.

Roll called. Absent—Brown, Buchanan, Gay, Motley.

Pending business went to the table.

(President in the chair.)

The president, after publicly reading its caption, signed House bill No. 74, entitled "An act to amend article 4652, chapter 5 of title 93 of the Revised Civil Statutes."

Senator Gooch, from the committee of free conference on House bill No. 27, submitted the following report:

COMMITTEE ROOM, AUSTIN, July 5, 1879.

*Hon. J. D. Sayers, President of the Senate:*

Your committee of free conference, appointed to take into consideration the disagreement between the two houses on House bill No. 27, entitled "An act to diminish the civil and criminal jurisdiction of the county courts of Upshur, Erath, Comanche, Eastland, Palo Pinto, Stephens, Shackelford, Throckmorton, Taylor, Callahan and Panola counties, and conform the jurisdiction of the district courts of said counties to such change," have considered the same, and the majority of the committee have agreed and recommend as follows: That the House agree to the Senate amendment striking out the county of Upshur.

GOOCH,

DAVENPORT,

LAIR,

*Senate Committee.*

BAKER,

TAYLOR,

CROW,

*House Committee.*

On motion of Senator Gooch, the report of the committee was adopted.

Senator Blassingame moved to suspend the rules and take up Senate bill No. 40.

The Senate was announced full, and the consideration of Senate bill No. 81 was resumed.

The Senate refused to lay the motion to reconsider the vote by which the pending bill was lost on the table by the following vote:

YEAS.

Burnett,	Homan,	Motley,	Shannon,
Burton,	Houston,	Patton,	Stewart,
Davenport,	Lair,	Ripetoe,	Swain—13.
Grace,			

NAYS.

Blassingame,	Edwards,	Lane,	Moore,
Brown,	Ford,	Ledbetter,	Storey.
Buchanan,	Gooch,	Martin,	Street.
Duncan,	Hobby,	McCulloch,	Terrell—16.

Not voting—Guy.

The motion to reconsider the vote by which Senate bill No. 81 was lost was carried by the following vote:



YEAS.			
Blassingame,	Ford,	Ledbetter,	Storey,
Brown,	Gooch,	Martin,	Street,
Buchanan,	Guy,	McCulloch,	Swain,
Duncan,	Hobby,	Moore,	Terrell—19.
Edwards,	Lane,	Patton,	
NAYS.			
Burnett,	Homan,	Motley,	Shannon,
Burton,	Houston,	Ripetoe,	Stewart—10.
Grace,	Lair,		

Not voting—Davenport.

Senator Edwards offered the following amendment:

“Strike out all of lines eleven, twelve, thirteen, fourteen, fifteen and sixteen.”

Senator Edwards moved to reconsider the engrossment of the bill.

Senator Davenport moved to lay this motion on the table.

Lost by the following vote:

YEAS.			
Blassingame,	Davenport,	Houston,	Patton,
Burnett,	Grace,	Lair,	Ripetoe,
Burton,	Homan,	Moore,	Stewart—12.
NAYS.			
Brown,	Gooch,	Martin,	Storey,
Buchanan,	Guy,	McCulloch,	Street,
Duncan,	Hobby,	Motley,	Swain,
Edwards,	Lane,	Shannon,	Terrell—18.
Ford,	Ledbetter,		

The vote ordering the engrossment of the bill was reconsidered.

The resolution of Senator Edwards was adopted by the following vote:

YEAS.			
Blassingame,	Edwards,	Houston,	Patton,
Buchanan,	Grace,	Lair,	Ripetoe,
Burton,	Guy,	Moore,	Shannon,
Davenport,	Homan,	Motley,	Stewart—16.
NAYS.			
Brown,	Gooch,	Ledbetter,	Storey,
Duncan,	Hobby,	Martin,	Street,
Ford,	Lane,	McCulloch,	Terrell—12.

Not voting—Burnett, Swain.

Senator Motley offered the following amendment:

“Strike out line sixteen.”

The amendment of Senator Street was reconsidered by the following vote:

YEAS.			
Blassingame,	Ford,	Houston,	Motley,
Buchanan,	Gooch,	Lair,	Ripetoe,
Burnett,	Grace,	Lane,	Shannon,
Burton,	Guy,	Ledbetter,	Stewart,
Davenport,	Hobby,	McCulloch,	Storey—23.
Edwards,	Homan,	Moore,	
NAYS.			
Brown,	Martin,	Street,	Terrell—4.

Not voting—Duncan, Patton, Swain.

Senator Street then withdrew his amendment.

Senator Blassingame moved to lay the bill on the table.

Senator Edwards moved a call of the Senate.

Call sustained.

Roll called; Senate full.

Senator Blassingame's motion to lay the bill and amendment on the table was lost by the following vote:

YEAS.			
Blassingame,	Grace,	Lair,	Shannon,
Burnett,	Guy,	Moore,	Stewart,
Burton,	Homan,	Patton,	Swain—15.
Davenport,	Houston,	Ripetoe,	
NAYS.			
Brown,	Ford,	Ledbetter,	Storey,
Buchanan,	Gooch,	Martin,	Street,
Duncan,	Hobby,	McCulloch,	Terrell 15.
Edwards,	Lane,	Motley,	

Senator Motley's amendment to strike out line sixteen was adopted by the following vote:

YEAS.			
Blassingame,	Edwards,	Houston,	Patton,
Burnett,	Grace,	Lair,	Ripetoe,
Burton,	Guy,	Moore,	Shannon,
Davenport,	Homan,	Motley,	Stewart—17.
Duncan,			
NAYS.			
Brown,	Hobby,	Martin,	Street,
Buchanan,	Lane,	McCulloch,	Swain,
Ford,	Ledbetter,	Storey,	Terrell 13.
Gooch,			

A message was received from the House announcing that the House had adopted the report of the free conference committee on the differences between the two houses on House bill No. 27, "An act to diminish the civil and criminal jurisdiction of the county courts of Upshur, Erath, Comanche, Eastland, Palo Pinto, Stephens, Shackelford, Throckmorton, Taylor, Callahan and Panola counties, and conform the jurisdiction of the district courts to such change."

On motion of Senator Gooch, the report of the committee of free conference on House bill No. 27 was adopted.

(The president in the chair.)

Senator Duncan moved to reconsider the vote by which Senator Motley's amendment was adopted.

Senator Homan moved to lay the motion to reconsider on the table.

Carried by the following vote:

YEAS.			
Blassingame,	Grace,	Lair,	Ripetoe,
Burnett,	Guy,	Moore,	Shannon,
Burton,	Homan,	Motley,	Stewart—15.
Davenport,	Houston,	Patton,	
NAYS.			
Brown,	Gooch,	Martin,	Street,
Buchanan,	Hobby,	McCulloch,	Swain,
Duncan,	Lane,	Storey,	Terrell—14.
Ford,	Ledbetter,		

Not voting—Edwards.

The president signed substitute Senate bill No. 59, "An act to exempt from taxation horse racing when run over a distance of four hundred and forty yards."

Senator Ripetoe offered the following amendment to the pending bill: "Strike out line eight, page 2."

Adopted by the following vote:

YEAS.			
Blassingame,	Grace,	Martin,	Ripetoe,
Burnett,	Guy,	McCulloch,	Shannon.
Burton,	Homan,	Motley,	Stewart,
Davenport,	Houston,	Patton,	Swain—18.
Edwards,	Lane,		
NAYS.			
Brown,	Gooch,	Moore,	Street,
Buchanan,	Hobby,	Storey,	Terrell—10.
Ford,	Ledbetter,		

Senator Gooch moved to postpone until to-night at 9 o'clock.

Lost by the following vote:

YEAS.			
Brown,	McCulloch,	Shannon,	Street,
Gooch,	Patton,	Storey,	Terrell—9.
Houston,			
NAYS.			
Blassingame,	Edwards,	Homan,	Moore,
Buchanan,	Ford,	Lair,	Motley,
Burnett,	Grace,	Lane,	Ripetoe,
Burton,	Guy,	Ledbetter,	Stewart—19.
Davenport,	Hobby,	Martin,	

Not voting—Duncan, Swain.

Senator Gooch moved to lay the bill on the table.

Carried.

Senator Street (by leave) introduced a bill entitled "An act making an appropriation to pay the salaries of the judges of the commissioners of appeals."

Referred to committee on finance.

Senator Swain, chairman of committee on penitentiaries (by leave), submitted the following report:

COMMITTEE ROOM, AUSTIN, July 5, 1879.

*Hon. J. D. Sayers, President of the Senate:*

Your committee, to whom was referred Senate bill No. 90, "An act to authorize the governor, comptroller and attorney general of the state to purchase additional lands for the use of the penitentiaries," have had the same under consideration, and a majority of said committee instruct me to report the same to the Senate with the recommendation that it do pass.

SWAIN, *Chairman.*

The bill was read first time.

Senator Storey, chairman of committee on finance (by leave), submitted the following report:

COMMITTEE ROOM, AUSTIN, July 5, 1879.

*Hon. J. D. Sayers, President of the Senate:*

Your committee on finance have had under consideration Senate bill No. 92, entitled "An act making an appropriation to pay the salaries of the judges of the commissioners of appeals," and I am instructed by the committee to recommend that the bill do pass.

STOREY, *Chairman.*

The bill was read first time.

The rules were suspended and bill placed on its third reading by the following vote:

YEAS.			
Blossingame,	Ford,	Lair,	Patton,
Brown,	Gooch,	Lane,	Ripetoe,
Buchanan,	Grace,	Ledbetter,	Shannon,
Burnett,	Guy,	Martin,	Stewart,
Burton,	Hobby,	McCulloch,	Storey,
Davenport,	Homan,	Moore,	Street,
Edwards,	Houston,	Motley,	Terrell—28.
NAYS—none.			

Not voting—Duncan, Swain.

Bill read second time and ordered engrossed.

On motion of Senator Street, the rules were further suspended to place the bill on its third reading by the following vote:

YEAS.			
Blossingame,	Ford,	Lair,	Patton,
Brown,	Gooch,	Lane,	Ripetoe,
Buchanan,	Grace,	Ledbetter,	Shannon,
Burnett,	Guy,	Martin,	Stewart,
Burton,	Hobby,	McCulloch,	Storey,
Davenport,	Homan,	Moore,	Street,
Edwards,	Houston,	Motley,	Terrell—28.
NAYS—none.			

Not voting—Duncan, Swain.

Bill read third time and passed by the following vote:

YEAS.			
Blossingame,	Ford,	Lair,	Patton,
Brown,	Gooch,	Lane,	Ripetoe,
Buchanan,	Grace,	Ledbetter,	Shannon,
Burnett,	Guy,	Martin,	Stewart,
Burton,	Hobby,	McCulloch,	Storey,
Davenport,	Homan,	Moore,	Street,
Edwards,	Houston,	Motley,	Terrell—28.
NAYS—none			

Not voting—Duncan, Swain.

The following message was received from his excellency the governor:

EXECUTIVE OFFICE, STATE OF TEXAS, }  
AUSTIN, July 5, 1879. }

*To the honorable Senate of the State of Texas:*

GENTLEMEN—I respectfully ask your advice and consent to the following appointments:

Wm. E. Cummings, to be district attorney of the twenty-fifth judicial district.

Henry Bledsoe, to be notary public in Johnson county.

T. A. Brown, to be notary public in Harrison county.

Walter E. Johnson, to be notary public in Bee county, in place of George A. Craven, deceased.

Respectfully, O. M. ROBERTS, *Governor.*

Senator Gooch moved to go into executive session on Monday morning, just after the morning call.

Carried.

Senator Patton (by leave) introduced a bill entitled "An act to amend article 4664, title 95, chapter 1 of the Revised Civil Statutes of the State of Texas."

Referred to judiciary committee No. 2.

On motion of Senator Hobby, Senator Duncan was excused indefinitely on account of sickness.

Senator Gooch moved to adjourn until 8:30 o'clock P. M.

Carried by the following vote:

YEAS.			
Blassingame,	Gooch,	Lane,	Shannon,
Brown,	Grace,	Martin,	Stewart,
Davenport,	Guy,	McCulloch,	Storey,
Edwards,	Hobby,	Patton,	Street--17.
Ford,			
NAYS.			
Buchanan,	Homan,	Ledbetter,	Ripetoe.
Burnett,	Houston,	Moore,	Terrell--11.
Burton,	Lair,	Motley,	
Not voting—Duncan, Swain.			

### NIGHT SESSION.

Senate met pursuant to adjournment; president in the chair. Roll called; quorum not present.

The sergeant-at-arms was dispatched for the absentees.

A quorum was soon announced by the secretary and the Senate proceeded to business.

The president laid before the Senate Senate bill No. 79, entitled "An act to prescribe the remedy and regulate the proceedings by *quo warranto*, and confer the jurisdiction in certain cases upon the district court of Travis county," was taken up and read second time.

On motion of Senator Ledbetter, the bill was postponed until 10 o'clock A. M., made the special order for that time, and from day to day until disposed of, and fifty copies ordered printed.

The president next presented to Senate House bill No. 20, entitled "An act to repeal 'an act to amend article 4759 of the Revised Civil Statutes of the State of Texas,' adopted on the twenty-first day of February, 1879," with substitute for same.

Substitute adopted and bill ordered engrossed.

Senator Storey moved to suspend the rules and place the bill on its third reading.

Carried by the following vote:

YEAS.			
Blassingame,	Ford,	Ledbetter,	Shannon,
Brown,	Gooch,	Martin,	Stewart,
Buchanan,	Guy,	McCulloch,	Storey,
Burnett,	Hobby,	Motley,	Street,
Davenport,	Homan,	Patton,	Swain,
Edwards,	Houston,	Ripetoe,	Terrell--24.
NAYS—none.			

Not voting—Burton, Duncan, Grace, Lane, Lair, Moore.

Bill read third time and passed by the following vote:

YEAS.			
Blassingame,	Burton,	Ford,	Homan,
Brown,	Davenport,	Gooch,	Houston,
Buchanan,	Edwards,	Hobby,	Lane,

Ledbetter,	Motley,	Shannon,	Street,
Martin,	Patton,	Stewart,	Swain.
McCulloch,	Ripetoe,	Storey,	Terrell—24.

NAYS—none.

Not voting—Barton, Duncan, Grace, Guy, Lair, Moore.

Senate bill No. 29, entitled "An act requiring sheriffs, clerks and attorneys having accounts against the state in criminal cases to make out the same in itemized form, and requiring judges, after allowing said accounts, to order them to be recorded in the minutes of the court," was taken up with adverse report of committee.

The report was adopted and bill lost.

Senator Lair moved to reconsider the vote just taken, and moved to lay that motion on the table.

Carried.

Senate bill No. 69, entitled "An act making appropriations for certain deficiencies beginning January 1, 1875, and ending February 28, 1879, and for previous years," was taken up.

Senator Patton moved that it be considered item by item.

Senator Houston moved a call of the Senate.

Motion seconded.

Roll called. Absent—Burton, Lair, Moore.

Pending the call the bill went to the table.

Senator Lair (by leave) called up Senate bill No. 23, "An act to provide for the sale of the alternate sections of land set apart and appropriated for the support of the public schools," the pending motion being to reconsider the engrossment of the bill.

The motion to reconsider was carried.

On motion of Senator Shannon, the further consideration of the bill was postponed until 10 o'clock Monday morning, July 7.

On motion of Senator Homan, Senate bill No. 49, entitled "An act to amend articles 1007 and 1008 of the Revised Civil Statutes," was taken up, the question being on the engrossment of the bill.

Senator Homan offered the following amendment:

Add the following section: "Section . . . The near approach of the close of the session, and the importance of the legislation to be accomplished by this act, creates an imperative public necessity that the rule requiring this act to be read on three several days be suspended, and that this act take effect and be in force from and after its passage."

On motion of Senator Homan, the further consideration of the bill was postponed until Monday.

On motion of Senator Swain, Senate bill No. 90, entitled "An act to authorize the governor, comptroller and attorney general of the state to purchase additional lands for the use of the penitentiaries," was taken up and read first time.

On motion of Senator Swain, the rule was suspended to place the bill on its second reading by the following vote:

YEAS.

Blassingame,	Gooch,	Ledbetter,	Stewart,
Brown,	Grace,	McCulloch,	Storey,
Burnett,	Guy,	Motley,	Street,
Davenport,	Hobby,	Patton,	Swain,
Edwards,	Homan,	Ripetoe,	Terrell—23.
Ford,	Houston,	Shannon,	

NAYS—none.

Not voting—Buchanan, Burton, Duncan, Lane, Lair, Martin, Moore.  
The bill was then read second time.

Senator Terrell offered the following amendment:

"*Provided*, that they shall make no contract which involves the payment of a larger amount than that herein specified."

Adopted.

Senator Burnett offered the following amendment:

Add after the word "purchase," in line six, section 1, the words "or exchange adjacent state lands for."

Adopted.

Senator Swain offered the following amendment:

Strike out "five hundred" where it occurs in the bill and insert "fifteen hundred."

Senator Gooch offered the following amendment to the amendment:

Strike out "fifteen hundred dollars" and insert "two thousand dollars."

Senator Gooch's amendment was lost by the following vote:

YEAS.			
Burton,	Lane,	Swain,	Terrell—4.
NAYS.			
Blossingame,	Ford,	Houston,	Ripetoe,
Brown,	Gooch,	Ledbetter,	Shannon,
Buchanan,	Grace,	Martin,	Stewart,
Burnett,	Guy,	Motley,	Storey,
Davenport,	Homan,	Patton,	Street—21.
Edwards,			

Not voting—Duncan, Hobby, Lair, McCulloch, Moore.

The original amendment of Senator Swain was then lost by the following vote:

YEAS.			
Brown,	Edwards,	Ledbetter,	Swain,
Buchanan,	Grace,	Storey,	Terrell—10.
Burnett,	Lane,		
NAYS.			
Blossingame,	Guy,	McCulloch,	Shannon,
Burton,	Homan,	Motley,	Stewart,
Davenport,	Houston,	Patton,	Street—15.
Gooch,	Martin,	Ripetoe,	

Not voting—Duncan, Ford, Hobby, Lair, Moore.

Senator Storey moved the previous question on the engrossment of the pending bill.

Motion seconded and main question ordered.

The bill was ordered engrossed by the following vote:

YEAS.			
Blossingame,	Ford,	Martin,	Storey,
Brown,	Gooch,	Motley,	Street,
Buchanan,	Lane,	Patton,	Swain,
Burnett,	Ledbetter,	Ripetoe,	Terrell—17.
Edwards,			
NAYS.			
Burton,	Guy,	Houston,	Shannon,
Davenport,	Homan,	McCulloch,	Stewart—9.
Grace,			

Not voting—Duncan, Hobby, Lair, Moore.

Senator Swain moved a suspension of the rules to put the bill on its third reading.

Carried by the following vote:

YEAS.			
Blossingame,	Edwards,	Lane,	Stewart,
Brown,	Ford,	Ledbetter,	Storey,
Buchanan,	Gooch,	Martin,	Street,
Burnett,	Guy,	McCulloch,	Swain,
Burton,	Houston,	Motley,	Terrell—20.
NAYS.			
Davenport,	Grace,	Ripetoe—3.	
Not voting—Duncan, Hobby, Lair, Moore, Patton, Shannon.			

Bill read third time and passed by the following vote:

YEAS.			
Blossingame,	Ford,	Martin,	Storey,
Brown,	Gooch,	McCulloch,	Street,
Buchanan,	Lane,	Motley,	Swain,
Burnett,	Ledbetter,	Patton,	Terrell—17.
Edwards,			
NAYS.			
Burton,	Guy,	Houston,	Shannon,
Davenport,	Homan,	Ripetoe,	Stewart—9.
Grace,			

Not voting—Duncan, Hobby, Lair, Moore.

Senator Blossingame moved to adjourn until 9 o'clock A. M. Monday.

Carried by the following vote:

YEAS.			
Blossingame,	Burton,	Homan,	Shannon,
Brown,	Ford,	Houston,	Stewart,
Buchanan,	Grace,	Motley,	Swain,
Burnett,	Guy,	Patton,	Terrell—16.
NAYS.			
Davenport,	Lane,	McCulloch,	Storey,
Edwards,	Ledbetter,	Ripetoe,	Street—10.
Gooch,	Martin,		
Not voting—Duncan, Hobby, Lair, Moore.			

## TWENTY-FOURTH DAY.

SENATE CHAMBER, }  
AUSTIN, TEXAS, July 7, 1879. }

Senate met pursuant to adjournment; president in the chair. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Ripetoe, the reading of the journals of Saturday was dispensed with and the same corrected and adopted.

Senator Shannon presented a memorial from the citizens of Parker and Palo Pinto counties, asking for the passage of a special act authorizing the establishing of a ferry over the Brazos river at Pollard's crossing on said river, giving as a reason that the parties proposing to establish the ferry will and can do so and charge much cheaper rates of ferriage than allowed by the commissioners' court under the provision of the general act on that subject, etc.

Referred to the committee on state affairs.

Senator Stewart, chairman judiciary committee No. 2, submitted the following reports: